

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS (Chicago)

In re the matter of:

MOHAMMED I. YAZDANI
DARLENE V. CMELKA
Debtor.

CASE NO. 19-05069
CHAPTER 13

JUDGE LaSHONDA A. HUNT

NOTICE OF MOTION AND CERTIFICATE OF SERVICE

TO:

Mohammed I Yazdani
Darlene V Cmelka
3619 N. Hamilton Ave.
Chicago, IL 60618
Via Regular Mail

Marilyn O Marshall
224 South Michigan Ste 800
Chicago, IL 60604
Via Electronic Mail

Joseph S Davidson
Sulaiman Law Group, Ltd.
2500 S. Highland Ave
Suite 200
Lombard, IL 60148
Via electronic notice

Patrick S. Layng
219 S. Dearborn Street, Suite 873
Chicago, IL 60604
Via Electronic & Mail

On APRIL 8, 2019, at 9:30 a.m., I shall appear before the Honorable Judge LaSHONDA A. HUNT in the Dirksen Federal Courthouse, Courtroom numbered 719, 219 S. Dearborn Street, Chicago, IL 60604, or in his/her absence, before such other Bankruptcy Judge as may be presiding in his/her place and stead, and shall then and there present the attached Motion to Modify Stay at which time and place you may appear if you so see fit.

SILVER PROPERTY GROUP

By: /s/Amy A. Aronson
Amy A. Aronson
SILVER PROPERTY GROUP

Amy A. Aronson
ARONSON & WALSH, P.C.
P.O. Box 5907
Vernon Hills, IL 60061
847.247.1810 / Attorneys for SILVER PROPERTY GROUP

CERTIFICATE OF SERVICE

I, the undersigned attorney, certify that I served a copy of this Notice with Motion to Modify the Automatic Stay attached, upon the parties listed above, by mailing same in a properly addressed envelope, postage prepaid, from the Vernon Hills Post Office, Lakeview Parkway, Vernon Hills, Illinois 60061, before the hour of 5:00 p.m. on the 23D day of MARCH 2019, or via electronic notice as indicated above.

By: /s/Amy A. Aronson
SILVER PROPERTY GROUP

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MOTION TO MODIFY AUTOMATIC STAY

Now Comes SILVER PROPERTY GROUP a creditor herein, Amy A. Aronson, Aronson & Walsh, P.C., its attorneys, and moves this Honorable Court for entry of an Order modifying the restraining provisions of § 362 of the Bankruptcy Code, and in support thereof respectfully represents as follows:

1. That on FEBRUARY 27, 2019, the Debtor herein filed a petition for relief under Chapter 13 of the Bankruptcy Code.
2. That SILVER PROPERTY GROUP obtained an order for eviction for the tenant at the property with a common address of 3915 W. Addison Street, Chicago, IL. Debtor filed a plan that does not assume the payments to this creditor. The debtor's plan surrenders the Addison Street property. See plan at paragraph 3.5.
3. Debtor is in default to Silver Property Group. The last payment received was in April 2015. The creditor believes the debtor is accepting rents from the tenant. This creditor will seek an order directing rent payments to Silver Property Group.
4. This creditor seeks bankruptcy relief in order to take possession of the premises, to recover rent payments from the tenant, and for eviction of the tenant.
5. That the Debtor has not offered, and SILVER PROPERTY GROUP is not receiving, adequate protection for its secured interest.

6. That SILVER PROPERTY GROUP will suffer irreparable injury, harm and damage should it be delayed in foreclosing its security interest.

7. The property is not necessary for the effective reorganization of the Debtor.

8. That no cause exists to stay the execution of this order.

WHEREFORE, SILVER PROPERTY GROUP prays that this Honorable Court enter an Order modifying the restraining provisions of § 362 of the Bankruptcy Code to validate the actions taken by the said SILVER PROPERTY GROUP to take possession of the property located at 3915 W. Addison Street, Chicago, IL 60618 and reassign rents to Silver Property Group, and pursue its rights under Illinois Law, and for such other and further relief this court deems proper.

SILVER PROPERTY GROUP

By: /s/Amy A. Aronson
Amy A. Aronson
One of its Attorneys

Amy A. Aronson
ARONSON & WALSH, P.C.
P.O. Box 5907
Vernon Hills, IL 60061
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